

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

VINCENT BEST,

Petitioner,

VS.

JIM LEE,

Respondent.

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CIVIL ACTION NO. C-10-270

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION**


On November 4, 2010, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that summary judgment be granted to Respondent, that Petitioner's 28 U.S.C. § 2241 cause of action be dismissed (D.E. 1), and that Petitioner's motion to transfer venue (D.E. 54) be denied.

On November 24, 2010, petitioner filed Objections to the Magistrate's Recommendations. (D.E. 56; 57.) Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, see Koetting v. Thompson, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge, as contained in the "Jurisdiction," "Background," and Part A of the "Applicable Law" Section of the Magistrate's Memorandum and Recommendation. (D.E. 55 at 1-7.)

Accordingly, it is ORDERED that summary judgment be granted to Respondent and Petitioner's 28 U.S.C. § 2241 cause of action be dismissed. (D.E. 1.) Petitioner's motion to transfer venue is DENIED AS MOOT. (D.E. 54.)

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 3rd day of December, 2010.



Janis Graham Jack
United States District Judge